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AUG 05 2004

In re Patent No. 6,707,160 :  
Issue Date: March 16, 2004 : ON PETITION  
Application No. 09/871,671 : OFFICE OF PETITIONS  
Filed: June 4, 2001 :  
Attorney Docket No. 04329.2567 :

This is a decision on the renewed petition under 37 CFR 1.182, filed July 23, 2004, requesting issuance of duplicate Letters Patent for the above-identified application due to non-receipt of the original Letters Patent.

In the initial petition, petitioner stated the Patent Application Information Retrieval System (PAIR) indicated that the original grant was mailed on March 16, 2004; however, petitioner's representative did not receive the Letters Patent as of the date of the filing of the petition. Petitioner believed that the USPS lost the Letters Patent.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Withdrawing the Holding of Abandonment When Office Actions Are Not Received; 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

In support of petitioner's allegation of non-receipt of the Letters Patent, petitioner submitted a copy of log pages covering the period from March 16, 2004 (the date of issuance of the subject patent) through March 30, 2004. Petitioner states that the log is a record

of all correspondence received from the USPTO by petitioner's representative. Petitioner's representative states that upon review of the file jacket and the log, there is no record of receipt of the subject Letters Patent, other than soft copies thereof.

Upon consideration of the evidence submitted on petition, the Office has concluded that petitioner has met the showing of non-receipt of the original Letters Patent. Accordingly, the petition is **granted**. No petition fee is necessary.

The Office of Patent Publication is directed to issue duplicate Letters Patent.

A copy of this decision is being forwarded to the Office of Patent Publication for issuance of duplicate Letters Patent. The patent file is being forwarded to the Files Repository.

Any questions concerning this matter may be directed to the Office of Patent Publication at (703) 308-6789.

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